

JOHN W. HUBER, United States Attorney (#7226)
VERNON STEJSKAL, Assistant United States Attorney (#8434)
MICHAEL GADD, Special Assistant United States Attorney (#13704)
Attorneys for the United States of America
111 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: (801) 524-5682
Email: Michael.Gadd@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AARON MICHAEL SHAMO,

Defendant.

Case No. 2:16-cr-00631-DAK

GOVERNMENT’S RULE 12(b)(1) AND
104(a) MOTION TO DETERMINE
ADMISSIBILITY OF EXHIBITS

Judge Dale A. Kimball

The United States of America hereby requests a pre-trial evidentiary hearing under Federal Rule of Criminal Procedure 12(b)(1) and Federal Rule of Evidence 104(a) to determine the admissibility of all non-rebuttal exhibits or expert witness reports to be offered by any party at trial. Rule 12 (b)(1) allows a party to “raise by pretrial motion any . . . request that the court can determine without a trial on the merits.”¹ Federal Rule of Evidence 104(a) places upon the Court the obligation to decide preliminary questions,

¹ F.R.Crim.P. 12(b)(1).

including whether evidence is admissible.² In deciding whether evidence is admissible, the Court is not bound by evidence rules, except those rules governing privilege.³

The Government seeks this hearing to insure that it has fully complied with its Rule 16 pre-trial discovery responsibilities, to promote a fair and efficient trial, to avoid unfair surprise, and to preclude either party from inadvertently offering inadmissible evidence in the jury's presence.

The Government requests a three-day evidentiary hearing be scheduled approximately two weeks before the trial for the Court to determine admissibility of the exhibits offered by both parties. The Government will seek stipulations as to the admissibility of many of its exhibits and will notify the Court if an agreement is reached prior to the hearing.

DATED August 3, 2018.

JOHN W. HUBER
United States Attorney

/s/ Michael Gadd
MICHAEL GADD
Special Assistant United States Attorney

² FRE 104(a).

³ Id.